

TB – Minutes October 3, 2006

STATE OF NEW YORK  
COUNTY OF WARREN  
TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Scott Andersen, Robert MacEwan, Owen Maranville (arrived at 7:17 pm), Jason Saris, Town Counsel Michael Muller, Town Clerk Kathleen Simmes

Absent: None

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:04 pm.

Pledge of Allegiance – Jennifer Torebka

PUBLIC HEARING:

1) At 7:06 pm, Supervisor Gabriels opened the public hearing on Pioneer Village's proposed extension to the Bolton Water District.

Attorney Bob McNally, representing Pioneer Village, gave an overview on the proposed extension and said that they are seeking TB approval for the extension to allow Pioneer Village Improvement Association to hook to and use Town water. This project is specifically exempt from SEQR. Counsel agreed that the project is exempt from SEQR.

Supervisor Gabriels said that the construction of the pipeline would be done in conjunction with NYSDOT and that Pioneer Village hopes to coordinate with NYSDOT in 2008 when they commence paving work on Route 9N. It would be the Town's preference for this project to take place prior to the NYSDOT paving. Atty. McNally said that there is no definitive time frame for this project but it would be beneficial to the association to be able to coordinate it with NYSDOT's project.

Supervisor Gabriels said that it is his understanding that there would be a fixed water charge for each of the 54 parcels of Pioneer Village. Atty. McNally replied by saying that there aren't 54 units per se because some people own more than one lot. So they would be responsible for more than one fee and his understanding is that Pioneer Village would be considered one client therefore receiving one bill. Supervisor Gabriels said that part of the fixed cost is administrative and part is because there would presumably be a fire hydrant located closer to the terminus of the line, which is a definite asset in terms of fire protection to all of the buildings in Pioneer Village and that portion of the town. Atty. McNally said it is something they can work on with the Town of Bolton.

Supervisor Gabriels asked what the legal recourse would be if someone in Pioneer Village Improvement Association doesn't pay their share. Atty. McNally replied by saying that individual payments will be the responsibility of the association to collect, and the Town of Bolton has the option to levy any money uncollected by the association if it came to that, but he believes that the Town of Bolton has no reason to worry.

Note: Councilman Maranville arrived at this point in the meeting (7:17 pm).

Counsel asked if Pioneer Village will have covenants and Atty. McNally said yes. Counsel asked if there is a possibility that the terms for payment of the water bill could be put in the individual covenants for current and future owners and Atty. McNally said yes. Town Clerk K. Simmes said that her concern is that when she sends the bill out it is by parcel number. In October any delinquent bills go to the County and the County assesses it on that person's land tax bill for 2007. Counsel said that the Town of Bolton would

never know if one of the individual users has not paid promptly, because Pioneer Village would be the customer. Pioneer Village has a tax map number for its parcel and would have promptly paid or failed to pay that bill. Atty. McNally said that he is skeptical on having all owners at this time signing off on covenants, but he will propose it to the association.

Ken Arnold, Pioneer Village Association member, said that the association has been around since 1974. There has never been a problem and he doesn't feel it is fair or reasonable to have everyone in the association pay an annual charge if they are not using the water line. They may be using a private well instead. Councilman Saris asked if it is accurate that each person in the Water District pays a fee regardless if they are hooked-up to the Water District or not and K. Simmes said yes. Councilman Saris asked if that condition would apply to the extension if the Water District were extended. Counsel said yes, the logic behind it and why it was enacted was because now the parcel has the benefit of the Water District.

Councilman MacEwan said they would have the option to choose whether or not to drill a well. Counsel said that the rules and regulations for the Water District say that if you are in the Water District you would be a customer. There is also an out for certain parcels that can't get to our water lines. In that case the person could opt out with permission from the Bolton Water Commissioners. Ken Arnold asked if that is a situation where the Town of Bolton has decided on its own initiative to have water serve an area, in which case it would be appropriate. In this case you have an outside group willing to pay to have it extended. Counsel said that within one water district there is equality and fairness throughout. The rules of this Water District and the proposed addition to the Water District would be the same. Your extension would be part of the Water District that is within this municipality. Atty. McNally said this situation is unique. Councilman Saris responded by saying that this is not really that different from what the Town of Bolton does in the existing Water District. Ken Arnold said that they have the association's constituents concerns as well. Supervisor Gabriels: The Town of Bolton and the Water Dept. are not interested in being responsible for the ½ mile of new waterline and asked if the applicants would be willing to be the responsible party for that new waterline.

Atty. McNally said that they proposed that the association would be responsible for the construction of the waterline. When construction is completed they would turn the waterline over to the Town of Bolton. NYSDOH wants to make sure that the distribution of water is maintained by a responsible party, which they propose would be the Town of Bolton. The cost of any maintenance would certainly be a regular charge on the Water District and the association would be responsible for its fair share. K. Simmes said that another part of it is that any person who owns a house and uses Town water pays the \$100 annual fee.

Councilman MacEwan asked if as a new member of the Water District it would be fair for one and fair for all. Atty. McNally said he believes you need to do things fairly and equitably, but the question is that sometimes it is naive to do that because of the factual circumstances. You have to treat people differently because their circumstances are different. Ken Arnold said that the significant difference between other subdivisions is that in this case they are going to dedicate the line to the Town of Bolton along a state highway. They have no control over what happens in that right-of-way. Counsel said that his understanding is that if the main, once it is complete and dedicated to the municipality, were to have a problem in the future, it would be a municipality expense. Atty. McNally said one more issue is that this is a substantial investment that the Town of Bolton doesn't have to pay for. The properties along Route 9N will be benefited by this waterline and there are other towns and municipalities that allow a private entity that does something like this to participate in a buying in. They would like to enter into discussion with the Town of Bolton on that option.

Rolf Ronning said that he assumes the Town of Bolton is interested in expanding the Water District so the rates for the people in the Water District will go down. He asked how far in either direction the Town of Bolton is interested in letting people expand and how much water is available. Supervisor Gabriels

responded by saying that he doesn't have specific answers to those questions. He referenced the monthly graph of water consumption, and said that given the reduced consumption seen in the district within the past 10 years with the current users there is sufficient capacity at the plant, capacity in the lines and capacity in Edgecomb Pond to expand at this time. Atty. McNally said that the pressure was good when they tested the water during the July 4th weekend. Supervisor Gabriels said that the reason there is sufficient pressure is because of gravity. Councilman Saris said it should be noted that the Town of Bolton wasn't soliciting expansion of the Water District, but Pioneer Village approached the Town of Bolton and offered to pay to have the line put in so it peaked the town's interest. Supervisor Gabriels asked if the engineering issues are resolved and Alex Rhodes of CT Male said yes. She will formally put it in writing and submit it to the Town of Bolton. There was no additional public comment at this time. The public hearing remained open.

2) At 7:45 pm, Supervisor Gabriels opened the public hearing on amending Zoning Code 200-46 (10) to read as follows:

Alternative A – Zoning Code 200-46 (10):, "Fills shall not endanger adjoining property nor divert water onto property of others. Maximum cut or fills shall be in conformity with any requirements imposed by the New York State Uniform Fire Prevention and Building Code for all construction."

OR

Alternative B – Zoning Code 200-46 (10): Fills shall not endanger adjoining property nor divert water onto the property of others. Maximum cut or fills shall be six feet for all construction. This limitation shall not apply to basements.

Rolf Ronning said that he assumes the new language applies to buildings and not subdivision roads. Counsel said that it applies to all construction. It is an uncomfortable spot in the code, the language presently in the code says that cuts or fill should not exceed 6 feet. The reason for the proposed change is because he found it wasn't being enforced and he is not comfortable having any part of the code not being enforced. He thinks that the language should have a spin on it to say "...however, fills greater than 6 feet shall require site plan review and approval"—that doesn't put any further burden on the subdivider. Rolf Ronning said that there should be a re-draft of the proposed amendment revision and Counsel agreed. Supervisor Gabriels said the proposed amendment should be amended to include "...however, in any case where there shall be greater than 6 feet of fill material, site plan review shall be required." Councilman Saris said that language implies that the fill of 6 feet or greater would require site plan review, but the cut would not. Counsel agreed. Councilman Saris asked if that is intentional and Counsel said yes. Code Enforcement Officer Mitzi Nittmann said that they also have a problem with that because if a person back-fills a foundation it will go over 6 feet. Counsel said that there was public comment at the last meeting that the amendment should be altered to exclude basements, which does have some value to it, but will lead to a new controversy of "what is a basement."

Rolf Ronning said that he feels the matter should be tabled for more discussion and that the language should be more carefully written. Counsel the Town of Bolton is trying to address the general topic of residential, but the text embarks upon things other than residential. It basically gets down to a blanket prohibition of nothing exceeding 6 feet, cut or fill. They want to leave it right at PB level and let the planners implement it by site plan review. They are trying to address the instance where there is something the Zoning Office can work with. Rolf Ronning asked if they would have to get a variance if they have an old well that is 15 feet deep and surrounded by stone in order to fill it in. Counsel responded by saying if M. Nittmann asked him he would say absolutely not. It is a misdemeanor to have an open old well. The code is talking about surface site development and construction development. If you are basically filling in an old well or restoring something that has been moved, then he doesn't believe it applies to that.

Don Kingsley gave an example where they had approval to build a home and they found out coming out of the front door it was going to drop 6-8 feet, so without consulting anyone other than the homeowner, they determined they could come out from the house, put in a retaining wall/slope 6 feet, and terrace it

out another 6 feet to meet the existing grade. He then asked if they need PB approval each time they do this. They have gone to M. Nittmann in some instances like this and they are given a verbal stop work order and are forced to wait over two months for a determination (one project is at this point now) and he asked where the common sense and rationale is in that. Counsel said that right now the code prohibits everything in excess of six feet. Don Kingsley asked where the lateral limits are. Counsel said that to clarify it right now any cut or fill over 6 feet is prohibited. This amendment to the code is trying to make that rule more reasonable and workable in that it would no longer be prohibited, but permitted. The PB is the party that would permit them by proper site plan review. Don Kingsley asked if they are okay as long as they stay 6 feet and under. Counsel replied by saying that is true today and that will be true under the new legislation. Any cut that is less than 6 feet and any fill that is less than 6 feet are permitted today and it will not change. Supervisor Gabriels said that he thinks the Town of Bolton is also trying to address the accuracy of plans presented to the PB for review so that everyone understands what cuts are being made in terms of the proposed development the PB has to review. Counsel said that where the Town runs amuck is that the neighbor on the low end doesn't want what's happening and the neighbor on the high end says they have an absolute right to do it.

Don Russell asked if you can cut 5 feet then come out 1 foot, cut 5 feet then another 1 foot, cut 5 feet take another foot and asked what the purpose is. Counsel said that that example sounds like a 15-foot cut. Don Russell said it sounds like three 5 foot cuts to him and the State of New York does the same thing on highways. Counsel said that the State of New York can do a lot of things and the practical purpose is that there is a section in the code that prohibits cut and fill in excess of 6 feet. Don Russell asked what the purpose of that is and Counsel said he doesn't know. Don Russell said this is where there is a loss of common sense in the whole Zoning Department. They are losing sight of what the rules were made for in the first place. Councilman Saris said that when he was on the ZBA he was told the reason was to prevent people from making an end run around the height restriction, so that you can't go over the maximum build of 35 feet. Counsel said that in another municipality there was a developer who cut the whole hillside so the house could be at the level of the shoreline, so he lowered the lot about 30 feet and the purpose of this amendment is to avoid extremes.

Al Stern said that the New York State building code allows you to dig unlimited depths and fills and unlimited heights and suggested the language say that you can't change the topographical feature on the site by more than 6 feet. Rolf Ronning said that the original level of soil could be up or down 10 feet.

There was no additional public comment at this time. The public hearing remained open.

#### Announcements:

There will be a rabies clinic at the State Police Barracks on Cross Street on October 4, 2006 from 6-8pm. The Bolton Fire Commissioners will vote on Retirement Pension Funding for the Bolton Fire Department volunteers at the Fire House on October 5, 2006.

A Defensive Driving Course will be held Tuesday, October 17, 2006 at the Town Hall from 9:00am to 3:00pm.

A special Town Board meeting will be held Tuesday, October 10, 2006 at 7:00 pm to discuss alternative remedies for 5 cases submitted by the Zoning Office.

The next monthly Town Board meeting will be Wednesday, November 8, 2006 at 7:00 pm.

Meal Site Menu is available in the Town Hall.

There are now 2 Town of Bolton website addresses: [www.town.bolton.ny.us](http://www.town.bolton.ny.us) and [www.townofboltonlanding.com](http://www.townofboltonlanding.com).

#### Public in Attendance:

Rolf Ronning said that he is interested in offering the Town of Bolton 6 acres of land (4 usable) in the Saddlebrook subdivision for a new Bolton cemetery if the Town of Bolton is willing to take over maintenance of the Saddlebrook subdivision road when it is completed.

Supervisor Gabriels said that the Bolton rural cemetery is 5.13 acres and has limited available space left and the Cemetery Association has found lots in the new section of the cemetery but the options are limited. Don Kingsley said that if Rolf Ronning builds the road to town standards then there is no reason why the Town of Bolton shouldn't take it over.

Supervisor Gabriels asked what the length of the road would be. Rolf Ronning said it would be about one mile long. Supervisor Gabriels asked what the grades are and Rolf Ronning said 10% or less at all points. Supervisor Gabriels asked if constructing the road to town standards includes using asphalt. Rolf Ronning replied by saying that the PB wants him to pave everything over 5% grade and if the Town Board is willing to go further on this then there can be discussion on something that is mutually beneficial. Perhaps the Town of Bolton could pay for the paving (which would be at a much lower cost than for a private individual) then he could reimburse the Town of Bolton for that cost. Supervisor Gabriels asked if the Town of Bolton could be reimbursed as suggested. Counsel asked if Rolf Ronning was suggesting that, so there would be no prevailing wage requirement. Rolf Ronning said it would cost him far more to hire a paving contractor than if the Town of Bolton paves it. Counsel said that a vehicle by which it is achieved would be a contract and it would need to be a legitimate contract. Councilman MacEwan asked if Town Highway Superintendent, Tim Coon would be involved in the process. Supervisor Gabriels said yes, the Town of Bolton would ask for Tim Coon's input because it would ultimately be the Town Highway Dept. that would be responsible for it.

Councilmen MacEwan and Maranville both said that the Town Board should at least explore Mr. Ronning's offer. Councilman Saris agreed that Town Highway Superintendent, Tim Coon should be involved in the process. Councilman Andersen said the Town Board should contact Tim Coon and get back to Rolf Ronning in a reasonable timeframe. Rolf Ronning asked if the Town Board could do that in two weeks and Supervisor Gabriels agreed.

There was no public comment at this time.

#### Correspondence:

Thank you note from the senior citizens regarding the paving done in front of their building.

Letter from Nancy Hyman with concerns about a long line of cars parked on State Route 9N in front of one of the Town of Bolton's establishments to the south and a concern that there seem to be more cars in front yards with "for sale" signs on them.

Letter from Rick Dodge regarding stormwater problems on Dula Place.

Letter from the Bolton Rescue Squad regarding the Police situation. They are in favor of our Police Dept.

Thank you note from Bob and Sylvia Phillips for reimbursement for their shrubs.

Notice of violation from the NYSDEC regarding the Town of Bolton Sewer Plant having a spike in phosphorus readings.

Letter from Charlotte Blumenthal requesting reconsideration of a high water bill.

Letter from Bolton Chamber of Commerce regarding the Arts and Crafts show being held in Dula parking lot. They are hoping another location can be found.

Letter from Ann and David Thomas and Margaret Schadler regarding stormwater problems on Cherry Lane.

Letter from the LGA regarding Stephen Byers and a retaining wall issue.

Letter from the Town of Hague regarding the 80th anniversary of the swim marathon that they are hoping to rekindle.

Letter from Adirondack Association of Towns and Villages that they have received a grant to conduct an Adirondack Park Regional Assessment Project and requesting Town of Bolton support in the amount of \$250.

Indication from the APA that they are conducting a training session for local zoning and planning board officials October 17, 2006 at the Chestertown Town Hall on legal requirements, enforcement tools, etc.

E-mail from John Tiger regarding a stormwater problem.

Referrals from Zoning Enforcement Officer / ZBA / BPB:

Queen Family (Green Island LG LLC), Green Island, 45 North Island Drive, Green Island—permit amendment to PUD—Bolton PB unanimously approves amendment

Counsel said that he urges the Town Board to accept this as a legislative act. Approvals have been given by the APA, LGPC and Bolton PB, and the plan has left no wiggle room for the TB to change. The whole reason it is here is because the whole concept is an amendment to a legislative act that approved the PUD in the first place.

#### RESOLUTION #191

Councilman MacEwan moved, seconded by Councilman Maranville to grant an amendment to the Green Island Planned Unit Development (PUD) to allow Green Island LG LLC, 35 North Island Dr., Tax Map #171.12-1-1 to place a swim dock on the northeast side of the Island. The Planning Board and the APA are both in favor. All favorable. Motion carried.

Chris Gabriels Alternative Remedy—demolition without a permit

Note: Supervisor Gabriels said that as soon as this issue came before him, he indicated to all Town Board members that he didn't want to hear any other discussion on this because of the perceived conflicts of interest. He has not entered into any discussions or received any e-mails on this particular topic, and recused himself from this item and stepped down from the Town Board bench due to a conflict of interest, as Chris Gabriels is his brother. Councilman Andersen took on his role as Deputy Supervisor.

Deputy Supervisor Andersen read Zoning Administrator Kenyon's record of events. The Code Enforcement Officer's letter explains why Chris Gabriels is present and considered to be in violation. According to town records, Chris Gabriels took down a dock and boathouse without a demolition permit in hand. Chris Gabriels responded by saying that the permit did exist to make structural alterations to a non-conforming structure and that permit was issued last year on 10/12/05. Deputy Supervisor Andersen asked if the Zoning Administrator made reference to the need for a separate demolition permit in the discussions she and Chris Gabriels had. Chris Gabriels replied by saying that the Zoning Administrator didn't make reference that there was a permit on this project at all. Deputy Supervisor Andersen asked if at the time of that conversation a demolition permit was discussed. Chris Gabriels said yes. Deputy Supervisor Andersen asked if the Zoning Administrator stated in that conversation that a demolition permit was required. Chris Gabriels said that P. Kenyon told him he should probably get a demolition permit.

Deputy Supervisor Andersen asked what affect the permit issued on 10/12/05 has on this situation. Counsel referenced the Zoning Compliance Certificate issued by the Town of Bolton which says that it "...certifies the proposed construction described in the Warren County building permit application for tax map 186.15 Block 1 and Lot 29 complies with all Town or zoning law requirements and that a proposed sewage disposal system comply with all town and local sanitary codes", then in handwriting it supplements by saying "...to make necessary repairs to existing boathouse—no dimensional changes are proposed". If it's accepted at face value then it's not a demolition—he doesn't think that is a factual controversy. In order to take building or structure down that would normally require a building permit to build would require a demolition permit. Unlike many building permits, a demolition permit enables tear down of anything. This building permit said no dimensional changes, and a certificate of compliance that says repairs are in order and that is all that is going to be done is not a demolition permit and to demolish without a demolition permit is a violation of the code. A demolition permit is a matter of right, but you do need to get it. Chris Gabriels said that included within the permit Counsel is referring to be the same information the Town of Bolton would require for a demolition permit and he thinks the problem is that it was unknown that the original permit existed.

Councilman MacEwan asked Chris Gabriels when he came in on the 11th did he say that he needed the permit that day and Chris Gabriels replied by saying that he spoke with Zoning Administrator P. Kenyon

the day before (on September 10th) he sent the stuff down about his concerns he had on the boathouse. Councilman MacEwan said the day before would have been a Sunday, so Chris Gabriels couldn't have talked to P. Kenyon that day unless he called her at home. Deputy Supervisor Andersen said he thinks the Town Board's concern is P. Kenyon's comment that Chris Gabriels was already starting, which she advised him against. The Town Board is looking at that as starting without a permit. Chris Gabriels said that he had the ability to start to make necessary repairs as per the permit issued over a year ago. He is the one who determines what is necessary and he determined that the structure at that time needed the work done. Councilman Saris asked if Chris Gabriels is suggesting the term "repair as necessary" includes demolition. Chris Gabriels said in this case, yes, it was cost effective and necessary to remove, so as to repair it, the demolition permit would be a simple check-off of a circle that says "demolition", and the original permit was for repairs and there was a realization that the repairs were intensive and removal would be needed. He sent a fax to the Zoning Office at 5:00am. Councilman MacEwan said that he feels the intent was that the boathouse was coming down and asked when they were to begin. Chris Gabriels said it took less than a day and a half.

Deputy Supervisor Andersen said that the Town Board is not disputing that there was an existing permit issued a year ago from the LGPC and he thinks some of the things that keep popping up is the timeline being made quite critical in that if Chris Gabriels sends a fax to the Zoning Office at 5:00 am telling her that they are going to proceed, it is very hard for them to react when they are not there yet. Chris Gabriels said he stalled on the project and was at the Zoning Office first thing in the morning to fill the forms out and all he really had to do was take the old permit in and ask them to check-off demolition. Deputy Supervisor Andersen said that P. Kenyon said she spoke with Chris Gabriels on the phone on September 11th and asked if that was the same day the fax was sent at 5:00 am. Chris Gabriels said he had the conversation with P. Kenyon the day before he sent the fax. Councilman Saris asked if Chris Gabriels feels he could have either amended the permit already on file by checking the box for demolition or have obtained a demolition permit, either one being a way to have handled this and Chris Gabriels responded by saying that he guesses that is what they were asking to be required.

Paul Hummel said that the dock was close to one neighbor's yard and the only concern was that work didn't begin too early. Councilman MacEwan asked if the intent was to repair it and not tear it down and Paul Hummel answered by saying that originally they had a grandiose plan, but in checking with P. Kenyon they realized what it would entail and decided to repair it only. Councilman Maranville asked if Chris Gabriels believes he has permission if demolition was checked and asked if Chris Gabriels replaced the dock. Chris Gabriels said that they haven't replaced anything. Councilman Maranville asked if the dock has been demolished and Chris Gabriels said yes. Councilman Maranville asked if everything that was taken down needed to be repaired and Chris Gabriels said yes, if you have a usable boathouse on top you can elect or chose to repair but for the ones that don't have a useable boathouse on top you make a decision to do something else and he is fully permitted to do anything he wants to those docks. Councilman Maranville said that he has seen Chris Gabriels' previous work and he doesn't dispute Gabriels' decision that it had to be done.

Councilman Saris said that he doesn't dispute at all the need to do what needed to be done. He is sympathetic that you don't know what is there until you start ripping and tearing. Once you find what is there sometimes the most cost effective way is to start from scratch. He has no reason to believe it was done in a wrong way as far as making alterations or changes. There is a procedure set forth where permits are required and need to be done in a particular way, and the Town Board is not here to offer relief. That is the ZBA's task. The Town Board needs to decide if the requirements of the Town Ordinance is satisfied by what was done or not. Chris Gabriels said that the process the Town Board would be afraid of is that someone could go ahead and demolish a building then request a permit. This applicant already had a permit and wanted to amend that permit, and there is equal responsibility for the Zoning Dept. to amend the permit. Councilman MacEwan said that Chris Gabriels asked for a demolition permit, so he must have known he needed one.

Chris Gabriels said that he talked to P. Kenyon the day before and asked her about his concern about removing the structure and being able to replace it. Deputy Supervisor Andersen asked what P. Kenyon's answer was and Chris Gabriels said that she said yes, you should fill out a demolition permit and at 5:00 am the next morning he sent a fax to P. Kenyon stating they intended to do that. He went into the Zoning Office to fill out the permit and stalled the project for several hours, and then they did it. Deputy Supervisor Andersen asked why Chris Gabriels didn't leave the Zoning Office with a demolition permit. Chris Gabriels said that P. Kenyon had left the office. He went in the next morning, filled the permit out and circled that he needed it "today". P. Kenyon looked at it, and then she left the office. Deputy Supervisor Andersen said that the problem is determining what a reasonable amount of time is for issuing a permit and Chris Gabriels said it is also determining what a reasonable approach is because the LGPC has the same problem and they didn't really react to it the same way the Town of Bolton is reacting. Deputy Supervisor Andersen said he doesn't think anyone is challenging that Chris Gabriels had a permit. They have to wrestle with the fact of procedure. Chris Gabriels said that P. Kenyon would have to wrestle with the fact of what is a demolition permit. The purpose of the demolition permit as indicated by Town Counsel is to document and reserve the right of the homeowner to replace what he is demolishing. The Town of Bolton had that existing information already in the permit they had for over a year.

Councilman Saris asked if it satisfies the requirement since that information is recorded on another permit. Counsel said no, clearly a permit was issued for repair, most of it went right, but what went wrong is demolition was done before a demolition permit was issued. It starts out as repair but somewhere Chris Gabriels realized that a demolition permit was needed. Councilman MacEwan said that there is some sort of vagueness for the common person in not knowing what is needed. Counsel agreed and said that the Zoning Code defines that if there is vagueness the vagueness is as a matter of law determined to be favorable to the applicant and the owner.

Deputy Supervisor Andersen asked if Chris Gabriels thinks it is reasonable to ask for a permit and expect it immediately or if there should be some time for the Zoning Dept. to research. Chris Gabriels said in his mind he was being reasonable. Counsel referenced the LGPC letter dated 12/21/95 about dock alterations. Councilman MacEwan asked if it is correct that condition is forever and Counsel said yes, it is correct for 1995 and for 2006.

Deputy Supervisor Andersen said the question remains if formal technical procedure was broken in getting the permit. Councilman MacEwan said in his opinion it was. Chris Gabriels said that the intent was not. Councilman Saris said that he agrees the intent was to re-build the same and the intent to continue demolition without a permit in hand was possibly something other than that. There was possibly intent to continue demolition without a permit. Councilman MacEwan said that when he removed his building he had to get a demolition permit. Chris Gabriels said that he has never had to get a demolition permit in the past. Councilman Saris said that he agrees that the procedure wasn't followed correctly, even though he feels it was not done maliciously. A feeling of judgment comes in regarding what is a reasonable versus unreasonable convenience, that is somewhat subjective, and there has already been some sort of a penalty paid by the applicant having to be here tonight and the project being delayed and it has certainly been an inconvenience to those involved. Paul Hummel said that he met with P. Kenyon a couple of times to find out what was needed. Councilman MacEwan said in fairness to Zoning Administrator P. Kenyon, she did not know it would be torn down.

#### RESOLUTION #192

Councilman Saris moved, seconded by Councilman MacEwan that given the circumstances they grant approval for Chris Gabriels to move forward with the Paul Hummel building permit application on property located at 24 North Point, Tap Map #186.15-1-29, and that no civil penalty be imposed. Four favorable. One recused (Supervisor Gabriels). Motion carried.

Note: Supervisor Gabriels rejoined the Town Board bench and Deputy Supervisor Andersen resumed his role as Councilman.



Deanna Roberts—demolition without a permit

Code Enforcement Officer Mitzi Nittmann said that Deanna Roberts came into the Zoning Office about having a deck removed from the back of her house which was originally built in 1992. She was in a barter situation with her neighbor who was going to tear down her deck for her. She came into the Zoning Office to get her certificate for the demolition, but there was a problem in that the original permit for the existing deck couldn't be found. It was found and the Zoning Office was waiting on information regarding whether she was going to need a variance in order to tear the deck off. This is the Zoning Administrator's decision, but P. Kenyon was not in the office to give a decision and when Deanna Roberts went home that night the neighbor had already started to take the deck off.

Councilman Andersen asked if it is correct that there was dialogue with the Zoning office and that Deanna Roberts was in process of obtaining a permit before the deck was removed. The CEO said yes, that is correct and added that there was no intent to not follow procedure—Deanna Roberts was working very hard to get there.

Deanna Roberts said that when she started this she had no idea she had to do anything to remove a deck that is rotten. She spoke to her neighbor who said he'd take the deck down in the fall which is when she came to M. Nittmann to ask what needed to be done, and right now she has half of a deck and nobody to take it down. Councilman MacEwan said that the deck needs to be removed because it is hazardous.

#### RESOLUTION #193

Councilman Saris moved, seconded by Councilman MacEwan that given the circumstances, they grant approval for Deanna Roberts to proceed with demolition on property located at 15-17 Stewart Avenue, Tax Map #171.15-1-69 and that no civil penalty be imposed. All Favorable. Motion Carried. Councilman Andersen said that it is important that the Town Board, Zoning Office, etc. make sure the public is aware that all of this needs to occur in a timely fashion.

Timothy Harrington, 4 Forbidden Lane-regarding extensive tree clearing without a permit—notice sent 05/15/06

Counsel said that Timothy Harrington's attorney, Attorney Stafford, contacted him asking that this item be tabled to the November 2006 Town Board meeting so he can prepare.

#### RESOLUTION #194

Councilman Andersen moved, seconded by Councilman MacEwan, to table the Timothy Harrington matter until the November 8, 2006 Town Board meeting to allow his attorney time to review the matter in order to represent his client. Property location is 4 Forbidden Forest Lane, Tax Map #156.00-2-38. All favorable. Motion carried.

Neal McHugh, 206 Coolidge Hill Road—violations

Neither the applicant nor anyone representing the applicant was present for this item. Counsel said that one more notice to Neal McHugh would be worthy and if there is no response to that then he recommends the matter go to litigation.

#### RESOLUTION #195

Councilman Andersen moved, seconded by Councilman Saris, to table the Neal McHugh matter until the November 8th meeting and to send a letter requesting his attendance at that meeting. Property located E. Coolidge Hill Rd. Tax Map #212.2-1-13 all favorable. Motion carried.

Board of Health/Water Commissioners:

Paul Vega—Lake Shore Drive Possible Septic Variance

Supervisor Gabriels asked if a variance modification and public notice is needed and Counsel said yes. Don Kingsley said that they did the job and the plans were drawn by Jim Hutchins which stated that the setback from the driveway side property line was 10 feet +/- and 7 feet +/- from the house. At the customer's request the tank was moved 1 foot closer to the driveway right-of-way, because if it wasn't moved the tank would have been partially underneath the porch, and Jim Hutchins reviewed the change and said it was okay. Code Enforcement Officer M. Nittmann said that was correct. Counsel said that in fairness to the neighbors who were notified of the original plan, they deserve to know a change was made.

Councilman Andersen asked what constitutes +/- . Counsel said that in the Zoning Dept. it is a matter of inches. If an applicant is off by a foot then variances and amendments are in order Supervisor Gabriels said that it was to be 10 feet from the property line and now it is 8 feet. Counsel said that two feet closer to the property line requires an amendment to the variance. Councilman Saris said it is in the applicant's best interest to have it done correctly.

Councilman Andersen asked how much notice is needed and asked if once noticed, if the TB members would be willing to have a special meeting to address this matter. Counsel asked if the project is being held up. M. Nittmann said that she only brought it to Supervisor Gabriels' attention because she wasn't sure if it would need an amendment. Counsel said that if it is not holding up the project then the standard 10 days is sufficient in this instance and the Town Board can also request that Paul Vega present a letter from the landowner that he is not impacted by the change, but interested parties must be notified. Supervisor Gabriels said that he hopes the Town Board can deal with this item as an "after-the-fact" variance at the November 2006 Town Board meeting.

The board will hold a public hearing to discuss the following proposed septic variances for property owned by Paul Vega 4645 Lake Shore Dr. Tax Map #186.14-1-47. The following variances are being sought.

- 1.) A 10' setback from the property line is required for the septic tank: 8' is proposed from south property line.
- 2.) 10' required between the septic tank and the approved single-family dwelling: 7' is proposed. (5' previously approved.)

Supervisor Gabriels:

SUPERVISOR:

q Total receipts: \$308,440.72. Total disbursements: \$668,078.88.

Water Dept.

Councilman MacEwan said that Water Dept. Supervisor John Perry had a slight heart attack. He is home and doing well. He is an asset to the Town of Bolton and will be missed while he is out recovering. All of the Town Board members wish John Perry well.

Unfinished Business:

Amendment of PUD—GIA Associates—240 square foot addition as approved by APA

Supervisor Gabriels said that the APA approved the amendment on 06/20/06. Counsel said that the PUD is a legislative act for the Town Board and with APA approval he would be favorable. This does not require PB approval. The proper path is the APA approval, PB recommendation and Town Board approval.

Al Stern, representing GIA Associates, said that he wasn't aware that an amendment to the PUD needed to go to the PB and their hardship is that they have very cramped quarters in the existing laundry area. Counsel said that the Town Board can approve this item subject to the PB's approval.

RESOLUTION #196

Councilman Saris moved, seconded by Councilman MacEwan, to approve the Planned Unit Development

(PUD) amendment for Green Island Associates, 68 Sagamore Rd. Tax Map #171.16-1-16 which will allow a 240 square foot addition to the service building and this resolution is subject to Planning Board approval. All favorable. Motion carried.

#### RESOLUTION #197

Councilman Saris moved, seconded by Councilman Maranville to request the Zoning Administrator to make an addendum to the October 19th Planning Board meeting adding the Green Island Associates PUD matter to that agenda. All favorable. Motion carried.

Councilman Andersen said that the applicant's request on 10/20/06 for a building permit should be prompt and the Zoning Office needs a reasonable timeframe in which to get the research done diligently.

Jackie Castro, South Farm Escrow Account, Landscaping—Determination of Proper Account  
This item was tabled pending additional information.

Joseph Schwenk, Escrow \$350, For Removal of Trailer Signed 09/19/00  
This item was tabled pending additional information

#### Shared Water Line

Supervisor Gabriels said that the water line that feeds Mr. Vega's property, feeds surrounding properties and Michael Maucione is one of them, and he was concerned that the foundations might be exposing the water pipes to potential frost. Supervisor Gabriels thinks they will be sleeving and insulating the line and thinks the property owners and builders are in agreement with that.

Bolton Rural Cemetery – 8/1/06 Request for Additional \$500 for Completed Repair  
This item was tabled pending additional information.

#### Bolton Police Department—Policy Revisions and Personnel for 2006/2007

Supervisor Gabriels said the Town of Bolton is still working on its policy revisions and some number of resumes have been received. Councilman Maranville said that he met with Jim White and Gil Howse and they came up with a draft mission statement that will be distributed this week He asked them to look into other department policy and procedure in the effort to put together an operational manual for the future.

#### Pending Items:

There was no information given or action taken on any pending items.

#### New Business:

The Town Clerk Presented the 2007 Tentative Budget to the Town Board

Supervisor Gabriels said workshops meetings will need to be set up.

#### Pioneer Village—Public Hearing

There were no additional public comments at this time.

#### RESOLUTION #198

Councilman Andersen moved seconded by Councilman Maranville, to close the public hearing on Pioneer Village's proposed extension to our Water District. All favorable. Motion carried.

Atty. McNally said that he requests conditional approval at this time. Councilman Saris asked what room is left to change items if they approve the extension of the water district. Counsel answered by saying that you need to change it if the understanding of the present parties are slightly different than what the present regulations are, he is not opposed to this but if there is a two-tiered system then a distinction

may be made between seasonal versus non-seasonal systems. It requires tinkering if that is the direction the Town Board is going, and if that distinction can be made. Councilman Saris said he knows there are people currently in the Water District who have wells and may or may not be seasonal. Counsel said that he understood seasonal meant there would be a time that they would turn the system off. Councilman Saris said that there are also people in the Town of Bolton who have to pay a fee for being part of the Water District even if they don't use it, but use a well instead and he would have a problem trying to answer why these other individuals do not have to pay the same fee. Atty. McNally said that Pioneer Village's internal water system would be above ground so it wouldn't be used in the winter. Councilman Saris said that is not the only place where that is the case. Ken Arnold said that they would be paying for the extension. Councilman Saris said he understands, but there are people who are doing exactly the same thing in using private wells and it is the association members' choice to pay for the extension. Atty. McNally said that he thinks this is something to be discussed and he thinks there are circumstances that differ from place to place. Councilman Saris said that if it is not agreed upon prior to approving the extension of the Water District, then the same regulations would apply to Pioneer Village as they do to all others.

Supervisor Gabriels suggested that the terms should be discussed before either side proceeds and Atty. McNally agreed. Councilman Andersen said he feels it will be beneficial for both the applicants and the Town Board and he recommends this item move forward sooner rather than later. Counsel suggested that he (Counsel), Ken Arnold, Atty. McNally and Supervisor Gabriels meet to discuss the terms then approach the Town Board with the information. All were in agreement.

#### Zoning Code 200-46 (10) Amendment—Close Public Hearing

Counsel urged the Town Board to hold off voting on this item and to put together a better package. The Town Board member consensus was to keep the PH open until the November 8, 2006 Town Board meeting.

#### Lake Shore Drive Water Line Installation Bids

Town Clerk Simmes said the following three bids for the Lake Shore Drive water line installation were received on time: Don Kingsley for \$4,500.00, Ellsworth and Sons for \$6,000.00, and Kubricky for \$9,098.00.

#### RESOLUTION #199

Councilman Andersen moved, seconded by Councilman Saris, to accept the lowest bid for the Lake Shore Drive water line installation from Don Kingsley in the amount of \$4,500.00. All favorable. Motion carried.

#### Veteran's Park Attendant's Shed Bids

Town Clerk Simmes said the Town of Bolton sent out three bids and the following two bids for the shed were received back: Versatile Sheds for \$2,547.00 and Garden Time for \$3,211.00.

#### RESOLUTION #200

Councilman Saris moved, seconded by Councilman MacEwan, to accept the lowest bid for the Veteran's Park Attendant's Shed from Versatile Shed in the amount of \$2,547.00. All favorable. Motion carried.

#### Consider Carl Schoder's SRA Engineers for Preliminary Design Services for the Town Dock

Supervisor Gabriels said that he asked Carl Schoder to submit a proposal for preliminary design services for the Roger's Park Town dock repair. Councilman Saris asked if the proposal would include the finger docks that the Town of Bolton received the grants for and Supervisor Gabriels said that the Town Board could ask Carl Schoder to consider the additional two finger docks in his proposal.

#### RESOLUTION #201

Councilman Saris moved, seconded by Councilman Andersen, to authorize Supervisor Gabriels to sign the

proposal for design services for the town dock (to be amended to include the two finger docks and to hire Carl Schoder of Schoder Rivers Associates for this project. All favorable. Motion carried.

Shared Service Agreement with the Village of Lake George and Three Other Municipalities for Collective Acquisition of Television Camera Equipment and a Trailer for Sewer/Water/Stormwater Lines  
Supervisor Gabriels said that the NYSDOH grant was not approved and Mayor Blais has been encouraged to re-submit this application.

**RESOLUTION #202**

Councilman Maranville moved, seconded by Councilman Saris, to authorize the Town of Bolton to enter into the Shared Service Agreement with the Village of Lake George and three other municipalities for a Collective grant for the Acquisition of Television Camera Equipment and a trailer for Sewer/Water/Stormwater Lines. All favorable. Motion carried.

Authorize Multi-Modal 4 Agreement with NYSDOT for \$225,000 for New Vermont Road and East Schroon River Road

**RESOLUTION #203**

Councilman Andersen moved, seconded by Councilman MacEwan, to authorize the Multi-Modal 4 Agreement with NYSDOT for \$225,000 for New Vermont Road and East Schroon River Road. All favorable. Motion carried.

Authorize Atty. Mike Muller to Defend Town of Bolton in Article 78 Proceeding Brought by the Bernard & Patricia Marki on the Issue of the Byers' Retaining Wall

**RESOLUTION #204**

Councilman Maranville moved, seconded by Councilman Andersen, to authorize Attorney Muller to defend the Town of Bolton in the Article 78 proceeding brought by Bernard & Patricia Marki on the issue of the Byers' retaining wall. All favorable. Motion carried.

Resolution Authorizing Refund and Credit of Real Property Taxes—Pine Acres Homeowners for 04/05 and 05/06 Roadway 4.23 Acres

**RESOLUTION #205**

Councilman MacEwan moved, seconded by Councilman Andersen, to authorize the refund and/or credit of Real Property taxes for the Pine Acres Homeowners for 04/05 and 05/06 Roadway 4.23 acres. All favorable. Motion carried.

Approve Naming of Road—Heroes Loop—Located near 57 Valley Woods Road

**RESOLUTION #206**

Councilman Saris moved, seconded by Councilman MacEwan, to approve Heroes Loop for the name of the road located near 57 Valley Woods Road. The road is approximately 1400 feet southeast of Water Plant Rd. and is 3400 feet long. All favorable. Motion carried.

Transfer Station—Change Hours of Operation to Winter Hours

**RESOLUTION #207**

Councilman MacEwan moved, seconded by Councilman Maranville, to change the Transfer Station hours for winter operation to: closed all day Monday and Wednesday and open all other days 8:00 am to 4:15pm beginning Monday, October 16, 2006. All favorable. Motion carried.

Authorize Mitch Monroe 136 Hours of Vacation Time, 100.5 Hours Sick Time and 27 Hours Personal Time

(Total 236.5 Hours) as Special Unit of Workman's Compensation has reimbursed the Town of Bolton for 236.5 Hours

Supervisor Gabriels said that Mitch Monroe used those hours and the Town was reimbursed and said that the above listed hours should be accumulated on Mitch Monroe's time sheet. Councilman Andersen said he totally understands that Mitch Monroe was hurt and out of work and asked if he was paid for all of those hours. Donna Boggs said that Mitch Monroe was paid from Worker's Compensation Special Unit for that time. The Town Board accepted that fact and Mitch Monroe was reimbursed 236.5 hours back on his time sheet.

Supervisor Gabriels said that was a different issue just raised today and the union thinks Mitch Monroe should be given the vacation and personal time for the year 2006. It is going to be an issue. Supervisor Gabriels asked if Mitch Monroe who was out a year minus a day is entitled to 2006 vacation and personal time. Counsel replied by saying that he will check the Labor Dept. regulations and he believes that if a town employee shows up for even 1 day within the current year, then they are entitled to get full vacation and personal time for that year. Supervisor Gabriels said this item will be addressed at the November 8, 2006 Town Board meeting and noted that the union contract is up 12/31/06 so the Town of Bolton will need to go through contract negotiations.

Resolution that Thursday, November 2, 2006 should be Health and Wellness Day in Bolton Landing—Per Bolton United/Bolton Cares Request

**RESOLUTION #208**

Councilman Maranville moved, seconded by Councilman MacEwan, to authorize Thursday, November 2, 2006 as Health and Wellness Day in Bolton Landing. All favorable. Motion carried.

Authorize Contract with GGFT for Service 2007/2008—Cost Will Be \$1,514.00 for 2007

**RESOLUTION #209**

Councilman MacEwan moved, seconded by Councilman Maranville, to accept the contract with Greater Glens Falls Transit as written for service for 2007/2008 with the cost being \$1,514.00 for 2007. All favorable. Motion carried.

**Arts & Crafts Show Dates—2007 Use of Town Property**

Supervisor Gabriels said there has been a request for use of the Town of Bolton property for the 2007 Arts and Craft shows on the following dates: Saturday, July 7th and Sunday, July 8th; Saturday, August 4th and Sunday, August 5th; Saturday, and September 1st and Sunday, September 2nd; closing the parking lots on each Friday at 4:00 pm. Councilman Saris said that he received feedback from several businesses regarding the parking and from craft fair participants and he recommends the Town of Bolton revisit deed restrictions on Rogers Park to see if there is a possibility of the 2007 Arts and Crafts Shows being held there. Counsel said that he will review the deed and report his findings to the Town Board.

**RESOLUTION #210**

Councilman Maranville moved, seconded by Councilman Saris, to authorize the following dates: Saturday, July 7th and Sunday, July 8th; Saturday, August 4th and Sunday, August 5th; Saturday, and September 1st and Sunday, September 2nd for the 2007 Bolton Arts & Crafts Shows with the location and parking areas to be determined. All favorable. Motion carried.

Bernie French Request to be paid for One Week Vacation Time

**RESOLUTION #211**

Councilman MacEwan moved, seconded by Councilman Maranville, to authorize to pay Bernie French one week of vacation time that he will be unable to use. All favorable. Motion carried.

Consider Establishing Sewer Hook-Up Fee for New Services—Approx. Cost of \$270 \*9/05  
Supervisor Gabriels said there is not a fee for tapping our sewer main in our Sewer Ordinance. The Town of Bolton recently tapped a sewer system on Brook Street and the cost was approximately \$270, which the sewer district had to pay. The question is if the Sewer Regulations should be amended so the applicant is responsible for paying the sewer-tapping fee. Councilman Saris said that if it is something that is routinely done in other places then he suggests the Town of Bolton do it also.

RESOLUTION #212

Councilman Saris moved, seconded by Councilman Andersen, to require the applicant to pay the all costs associated with sewer taps and hook-ups. All favorable. Motion carried.

Rules & Regs. Re: Water District Property—Specifically Activities Prohibited at Water District's Edgecomb Pond Property—To Establish "Enforceability"—Bolton Police Department Needs Adoption by Board of Water Commissioners

This item was tabled pending further discussion.

Discuss Use of Vehicles and ATVs on Town of Bolton Property and at the Transfer Station

Counsel said that as the owner of those premises the Town of Bolton is authorized to have those signs made and posted and the only problem is getting enforcement. If it is just notice then there is no penalty and no ordinance is required.

Dennis Murphy asked if it would be considered a criminal offense if someone trespassed once the signs were posted and they were tearing up the property. Counsel said that he knows it starts out as a trespass violation and in a criminal trespass it is cranked up into a higher order when there are some aggravating aspects to it, which would be a misdemeanor. Dennis Murphy asked if there are other regulations with NYSDEC. Counsel said yes, there might also be aspects of NYSDEC regulations and Dept. of Motor Vehicle laws and even if there is no Local Ordinance behind it, the Town of Bolton still has a trespass provision. If someone trespasses the Town of Bolton could prosecute them where it would be logically handled in justice court.

RESOLUTION #213

Councilman Andersen moved, seconded by Councilman Maranville, to have the Town of Bolton post signs stating that unauthorized motor vehicles (including ATVs and snowmobiles) are not permitted on Town-owned properties near to and including the Transfer Station. All Favorable. Motion carried.

Set Minimum of Four Workshops on 2007 Town of Bolton Budget

RESOLUTION #214

Councilman Saris moved, seconded by Councilman Andersen, to have four workshops to discuss the 2007 Town budget at 5:00 pm on the following dates: October 12th, October 16th, October 19th and October 23rd and the 26th if needed. All favorable. Motion carried.

Authorize Public Hearing on the 2007 Town Budget for Next Town Board Meeting on November 8, 2006

RESOLUTION #215

Councilman Saris moved, seconded by Councilman Maranville, to authorize a public hearing on the 2007 Town Budget for next Town Board meeting to be held at the Town Hall on November 8, 2006 at 7:00pm. All favorable. Motion carried.

Public in Attendance: Barry Kincaid of KLC Property Enhancement asked for the definition of the Zoning Administrator's job. Supervisor Gabriels said the Zoning Administrator administers the zoning code and

asked where this was going. Barry Kincaid said that the Zoning book has all the codes in it and he works very hard to follow all of the codes. He asked about cutting brush and it has taken three months to get an approval on that. P. Kenyon told him tree cutting is not disturbance. He asked the Town Board what disturbance is and if tree cutting is considered disturbance, said that the Zoning Administrator has quoted to him that cutting trees is not disturbance. He doesn't understand why now violations are in progress and asked why jobs are being held up verbally without anything in writing. This whole tree cutting issue is getting way out of proportion. Something is going on when a homeowner cannot even hire somebody to cut trees on their property, and answers are needed. Supervisor Gabriels said that he doesn't have an answer at the moment because he doesn't know the nature of the issue. How many trees is Barry Kincaid looking to cut? Barry Kincaid said he has gone over 5,000 square feet, but that has been through tree cutting—not disturbance and he knows of an area right now where there are about 50,000 square feet of trees cut, but since it is an electric company it seems to be accepted. Supervisor Gabriels said that electric companies are utilities and towns have no control over them. Barry Kincaid asked if it is correct that utility companies can dig up the ground, do as much disturbance and soil moving as they want without any authority from the town and Supervisor Gabriels said yes, they're pre-empted by New York State laws and it is unfair, not right and should be changed but that is not where we are.

Barry Kincaid said there is a need to have a definition of tree cutting. Counsel said the Town of Bolton has a Zoning Code that is overlaid by Subdivision Regulations and then Stormwater and Erosion Control regulations superimpose those and depending on what is done site-specific it may be regulated by all three. Barry Kincaid again said that Zoning Administrator P. Kenyon told him that cutting trees is not disturbance, but digging the tree root system out and exposing soil is disturbance. Counsel said that if Barry Kincaid thinks an answer to a question is wrong and he has a different opinion as to what that section means, rather than argue the section he (Kincaid) challenges it by asking for an interpretation and following by that if he doesn't like that interpretation he challenges it before the ZBA where he would succeed and he would say the same thing to the ZBA that he did to the Town Board tonight, which is that if you get into a close question before applicant/owner and Zoning Regulation and it is subject to several different constructions then it must be construed favorable to the applicant/owner. Barry Kincaid said he understands and said that when he goes into the Zoning Administrator's Office and is told tree cutting is not disturbance then the question becomes why is he in violation if he is doing what she told him he could do. Councilman Saris said that you could only have it two ways: either the Zoning Administrator was mistaken or there was no violation.

Bruce Mowery said that there is a rumor that he will be up on violations on the Town Board's special meeting on Tuesday but he has not received any letter of violations to date confirming this. There is constant bickering in the Bolton Zoning Office among the staff. There is a lack of continuity and respect in the office.

Don Russell said that he has had the same problem with projects being delayed for months due to the Zoning Office practices. The Zoning Administrator will tell him something is okay to do then the Code Enforcement Officer will tell him he's not in compliance for doing what the Zoning Administrator told him he could do. They are getting a reinterpretation of things that are different than what they used to have. He was on the Town Board when the stormwater ordinance was passed and he thinks the meaning of it is being misinterpreted. Cutting a tree isn't causing a problem, and his project is being held up and getting his people back as we head into winter is going to be a problem.

#### RESOLUTION #216

Councilman Andersen moved, seconded by Councilman Saris, to authorize the Budget Transfers as follows

General Fund

FROM TO Amount

19904 Contingency 30102 Public Safety \$ 50.00

19904 Contingency 51324 Garage 5,000.00



19904 Contingency 71104 Parks 4,000.00  
71504 Conservation Park 71502 Conser. Park 165.00  
71802 Ballfield 71804 Ballfield 500.00  
90558 Disability Ins. 90408 Workmens Comp561.00

Highway Fund

51301 Mechanic Payroll 51304 Contractual 13,000.00

Water District

83404 Transmission 83104 Administration 1,300.00

Sewer District

81304 Treatment 81104 Administration 1,600.00

81304 Treatment 81302 Equipment 2.00

All favorable. Motion carried.

Payment of Town Bills:

RESOLUTION #217

Councilman Maranville moved seconded by Councilman Andersen, to pay the Town bills. All favorable. Motion carried.

Executive Session:

Councilman Andersen moved seconded by Councilman Maranville, to adjourn the regular meeting and enter executive session at 11:25 pm to discuss contract negotiations. All favorable. Motion carried.

Councilman Andersen moved seconded by Councilman Maranville to adjourn executive session and reconvene the regular meeting and adjourn at 11:55 pm. All favorable. Motion carried.

Minutes transcribed by: Respectfully submitted by:

Jennifer Torebka Kathleen Simmes

Recording Secretary Town Clerk

10/16/2006